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6 UNITED STATES DISTRICT COURT
7
8 NORTHERN DISTRICT OF CALIFORNIA

9 BOARD OF TRUSTEES OF THE SAN MATEO) NO. C 07 3357 JL
10 HOTEL EMPLOYEES, et al.,)

11 Plaintiffs,)

12 vs.)

JOINT CASE MANAGEMENT
STATEMENT AND PROPOSED
ORDER

13 WESTMONT HOSPITALITY GROUP, a)
corporation; WESTLODGE HOSPITALITY)
14 INC., a Corporation; WW SAN)
SAN FRANCISCO AIRPORT NORTH, INC.,)
15 a corporation doing business as)
TRAVELODGE and as TRAVELODGE SAN)
16 FRANCISCO AIRPORT NORTH,)

17 Defendants.)
18)

CASE MANAGEMENT CONFERENCE
DATE: 3/19/08
TIME 10:30 a.m.

19 The parties to the above-entitled action jointly submit this
20 Case Management Statement and Proposed Order and request the Court to
21 adopt it as its Case Management Order in this case.

22 1. JURISDICTION AND SERVICE: Subject matter jurisdiction
23 exists pursuant to Section 4301(c) of ERISA and 301(a) of LMRA. All
24 known parties appropriate to this case have been served and have
25 appeared.

26 2. FACTS:

27 Defendant WW San Francisco Airport North, Inc., was
28 bound by a collective bargaining agreement with Hotel Employees &

1 Restaurant Employees Local Union No. 340 to make pension contributions
2 to plaintiffs. It ceased operations and plaintiffs allege it has
3 incurred withdrawal liability under ERISA. Plaintiffs allege the
4 other defendants are liable as part of the same control group.

5 The principal factual issues which the parties dispute:

6 a. Whether any of the defendants are liable for
7 withdrawal liability.

8 b. Whether the amount of withdrawal liability is
9 correctly computed.

10 3. LEGAL ISSUES:

11 The principal legal issues which the parties dispute:

12 a. Whether a control group liability can be imposed
13 on any defendant in this case.

14 b. Whether a withdrawal has occurred within the
15 meaning of the statute.

16 4. MOTIONS:

17 None are pending or contemplated at this time .

18 5. AMENDMENTS TO PLEADINGS:

19 Plaintiffs will have to perform some discovery
20 before they will know whether or not additional parties will have to
21 be joined.

22 6. EVIDENCE PRESERVATION:

23 Both Sides will take steps to preserve evidence.

24 7. DISCLOSURES:

25 Plaintiffs have provided some documents; full
26 disclosures will take place now, because all defendants have appeared.

27 8. DISCOVERY:

28 There has been no discovery to date. No limitations

appear necessary. Plaintiff would serve a set of interrogatories to determine whether or not all proper parties are before the Court. Additional discovery may not be necessary.

9. CLASS ACTION:

NOT APPLICABLE

10. RELATED CASES

NOT APPLICABLE

11. RELIEF

Plaintiffs seek: Withdrawal Liability \$81,960.00

Liquidated damages \$16,392.00

Interest To Be Determined

Attorney Fees To Be Determined

12. SETTLEMENT AND ADR

Settlement discussions are taking place. Mediation is an ADR process acceptable to both parties.

13. CONSENT GRANTED TO MAGISTRATE JUDGE FOR ALL PURPOSES:

14. OTHER REFERENCES:

NOT APPLICABLE

15. NARROWING OF ISSUES:

Plaintiffs intend to file a Motion for Summary Judgment after some discovery

16. EXPEDITED SCHEDULE:

NOT APPLICABLE

17. SCHEDULING:

The parties request that scheduling await the results of settlement discussions and mediation.

18. TRIAL:

This would be a Court Trial and take two days.

19. DISCLOSURE OF NON- PARTY INTERESTED PERSONS:

Plaintiffs have none to disclose.

DATED: March 12, 2008

ERSKINE & TULLEY
A PROFESSIONAL CORPORATION

By: /s/Michael J. Carroll
Michael J. Carroll
Attorneys for Plaintiff

DATED: March 12, 2008

Hanson Bridgett LLP

By: /s/Allison M. Woodall
Allison M. Woodall
Attorneys for Defendants

CASE MANAGEMENT ORDER

The Case Management Statement and Proposed Order is hereby adopted by the Court as the Case Management Order for the case and the parties are ordered to comply with this Order. In addition the Court orders: [The Court may wish to make additional orders, such as:

- a. Referral of the parties to court or private ADR process;
- b. Schedule a further Case Management Conference;
- c. Schedule the time and content of supplemental disclosures;
- d. Specially set motions;
- e. Impose limitations on disclosure or discovery;
- f. Set time for disclosure of identity, background and opinions of experts;
- g. Set deadlines for completing fact and expert discovery;
- h. Set time for parties to meet and confer regarding pretrial submissions;
- i. Set deadline for hearing motions directed to the merits of the case;
- j. Set deadline for submission of pretrial material;
- k. Set date and time for pretrial conference;
- l. Set a date and time for trial.]

DATED: _____

MAGISTRATE JUDGE JAMES LARSON